PEOPLE FOR THE AMERICAN WAY
Your Voice Against Intolerance

STATE & LOCAL ANTI-GAY INITIATIVES & LEGISLATION REPORT

JULY 1996

This is not a comprehensive report of all the anti-gay bills introduced or laws passed around the country, but rather a sample of the range of anti-gay activities taking place and a source of selected information and contacts. To learn more about anti-gay activity covered in this report or to inform us of other local or state anti-gay activity, please contact Sonya Schwartz at (202) 467-2338 or at sschwartz@pfaw.org. ***This report is also available via electronic mail.***

Anti-gay activity at the local, state and federal levels, including activity in legislative bodies, on statewide ballots and in the courts, continues around the country. In particular, same-sex marriage is an increasing target of attack by the Religious Right and others.

- In a major victory for gay-rights supporters, the U.S. Supreme Court overturned Colorado's anti-gay Amendment 2, which banned protections against discrimination on the basis of sexual orientation. The majority opinion stated that Colorado "cannot...deem a class of persons a stranger to its laws." Effects of the Amendment 2 ruling on other statewide initiatives and legislation can already be seen. On June 7, the U.S. Supreme Court ruled that the U.S. Court of Appeals for the 6th Circuit must reconsider its decision to allow Cincinnati to repeal existing laws that protect the civil rights of gay men and lesbians. A citizens group in Oregon gave up its efforts to gather signatures for an anti-gay rights initiative similar to Amendment 2, and a citizens group in Idaho withdrew efforts toward a similar ballot initiative on July 1.
- In anticipation of a ruling on a same-sex marriage case pending before the Hawaii Supreme Court, bills have been introduced in 35 states to prohibit same-sex marriages, or the recognition of such marriages performed in other states. Seventeen of those bills have died, but 13 states have now passed such laws this year. **Alaska, Arizona, Delaware, Georgia, Idaho, Illinois, Kansas, Michigan, North Carolina, Oklahoma**, **South Carolina, South Dakota** and **Tennessee** have joined **Utah**, which enacted its law last year. Bills are pending in **California, , New Jersey, New York and Pennsylvania**; a bill in **Missouri** awaits the governor's signature.
- On May 7, a "Defense of Marriage Act" was introduced in the U.S. House of Representatives by Representative Barr (R-GA) and in the Senate by Senator Nickles (R-OK), with Senator Dole co-sponsoring. Only days later, the bill received a hearing in the House Judiciary Subcommittee on the Constitution, and then passed the House Judiciary Committee. The U.S. Department of Justice has stated that it sees no legal or constitutional problems with DOMA as is, and President Clinton has indicated that he would sign it. As DOMA awaits a Senate Judiciary Committee Hearing, Human Rights Campaign, along with several Senators, have proposed adding the Employment Non-Discrimination Act (ENDA) to the Senate version of DOMA as an amendment. ENDA would prohibit discrimination on the basis of sexual orientation, therefore providing basic protection to ensure fairness in the workplace for Americans who are currently denied equal protection under the law. Although HRC and other groups vigorously oppose DOMA, they hope that attaching ENDA would call the bluff of the proponents of this anti-gay bill.

2000 M Street NW
Suite 400
Washington DC 20036

202 467 4999
202 293 2672 / Fax

pfaw@pfaw.org / E-mail
http://www.pfaw.org

- Philadelphia's Mayor Rendell signed an order on June 7 that would grant benefits to same sex partners of covered city employees, but the City Council President has attempted to challenge it. Colorado's first domestic partner registry took effect July 1, in Boulder. The registry will be open to unmarried men and women, including gays and lesbians, who seek recognition of their commitment. The Long Beach, California City Council has also been considering instituting a domestic partnership registry.
- Just weeks after Congress, as part of the recent budget compromise, repealed a clause in the 1996 defense authorization bill that would force the military to discharge servicemembers and other employees who test positive for HIV, the House passed a 1997 defense authorization bill that would ban HIV+ servicemembers as well as gay men and lesbians, and replace the current "don't ask, don't tell" policy with an outright ban on military services by lesbian and gay men. The Senate is still considering the bill. Rep. Robert Dornan introduced the provisions in both bills.
- In Broward County, Florida, an anti-gay campaign is still underway to repeal a pro-gay rights measure adopted in June. Proponents of two statewide anti-gay initiatives in Washington state were defeated when they failed to collect enough signatures, though a new initiative has been filed.

Fighting anti-gay activity requires cooperative action and information-sharing among mainstream and progressive organizations in each state. People For the American Way has convened broad-based networks in 20 states to fight the Religious Right's political agenda and build a progressive movement. In addition, *Hostile Climate 1995*, People For the American Way's 124-page annual report documenting 180 anti-gay incidents nationwide, is now available from our Washington office for $10.95/copy for non-members and $9.95/copy for members (sorry, pre-paid mail orders only).

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ALASKA

On April 29, Alaska Governor Tony Knowles signed into law HB 226, a bill that would allow employers to refuse to provide benefits to their employees' domestic partners. The bill was introduced in 1995 by Republican Reps. Pete Kelly and Norman Rokeberg, in response to a Fairbanks Superior Court ruling in favor of two employees of the University of Alaska - Fairbanks who sought insurance benefits for their same-sex partners. The university's appeal is pending in the Alaska Supreme Court, but in the meantime, the school continues to offer domestic-partner benefits.

Governor Knowles denied that HB 226 "unfairly targets or diminishes the standing of any one group," a practice he called "offensive" and said he would not tolerate. However, on May 6, the governor allowed SB 308, an anti-gay marriage bill, to become law without his signature. The bill had passed the Senate and the House overwhelmingly, and there likely would have been insufficient votes to sustain a veto. Nevertheless, gay-rights supporters, who have long considered Knowles an ally, were disappointed in his actions. Meanwhile, a lawsuit is pending in the Anchorage Superior Court challenging the state's decision not to grant a marriage license to two male plaintiffs.

∇ State contact: State Rep. Caren Robinson, State Capitol, Room 114, Juneau, AK, 99801-1182; (907) 465-3744; Attn. Carla Timpone, Legislative Aide.

CALIFORNIA

Two anti-gay bills have been introduced in the California legislature. In the state assembly, AB 1982, introduced by Rep. Pete Knight (R-36), would prevent California from recognizing same-sex marriages performed in other states. The bill passed the Republican-controlled House in January, but is languishing in the Judiciary Committee of the Democratic-controlled Senate. The bill is set for a hearing on July 9. A second bill, AB 3227, was also introduced by Representative Knight. It would have gone farther, declaring that same-sex marriage violates the state's public policy and claiming that California has a compelling interest in restricting marriage to heterosexuals. AB 3227 was recently withdrawn without action.

∇ Legislative contact: LIFE: California's Lesbian/Gay and AIDS Lobby and League, 926 J Street, Ste. 522, Sacramento, CA, 95814; (916) 444-0424; Attn. Laurie McBride, Executive Director.

Glendale

After a group of students requested permission to form a gay and lesbian club at Hoover High School, Glendale Unified School District trustees considered a policy that would require students to obtain parental permission to join certain student clubs. The proposed policy, drafted by the district's attorney, targeted groups focusing on counseling, therapy, religion, human reproduction and sexuality, and physical exercise; but a district spokesman acknowledged that the policy was a response to the student group's request to turn their existing informal lunchtime support group into an official club. In a letter to the school board, People For the American Way, the American Civil Liberties Union, and Lambda Legal Defense and Education Fund criticized the proposed policy, calling it unlawful, unwise and a violation of students' rights of freedom of association and privacy. Gay and lesbian students also testified against the proposal before the school board. On May 7, the board voted 4-1 to drop the parental permission plan and to instead require schools to obtain parents' signatures on a list, supplied by the school, of all available school clubs.

Long Beach

On June 7, The Long Beach City Council heard testimony on domestic partnership. One of the "highliights" of the hearing was the statement of, Jerry Shultz, City Councilman and a Los Angeles sheriff's deputy, who explained that the human sex drive is a very powerful human instinct that "may become inappropriately affixed to underwear, corpses, animals, children, footstools and members of the same sex." The day after the hearing, Cheryl Abbate, president of the Long Beach Lambda Democratic Club, moved to force Shultz to be censored and fired.

City Councilman Alan Lowenthal, fearing domestic partnership's possible failure, agreed to send the issue to a newly-formed Human Relations Commission. On July 11, this commission, a group of 13 citizens, seven of whom are veterans (the citizens hold a two-year term of office, nine members are appointed by the City Council, four are appointed by the mayor) will begin to consider whether unmarried couples should be able to register with the city. How long it will take the commission to study the issue is unknown.

∇ State contact: People For the American Way, 13323 Washington Boulevard, Ste. 301, Los Angeles, CA, 90066; (310) 823-2860; Attn. Kim Adams.

COLORADO

On May 20, the U.S. Supreme Court overturned Colorado's Amendment 2, the statewide anti-gay initiative passed by voters in 1992. Amendment 2 would have repealed existing laws and policies in a number of Colorado communities protecting gay men and lesbians from discrimination, and it would have prevented local governments from passing such laws in the future. By a 6-3 vote, the court upheld the 1994 Colorado Supreme Court ruling that the initiative was unconstitutional, violating the clause of the 14th Amendment that guarantees equal protection under the law. "[The amendment] classifies homosexuals not to further a proper legislative end, but to make them unequal to everyone else," wrote Justice Anthony Kennedy in the opinion of the court. "A state cannot so deem a class of persons a stranger to its laws." The opinion also stated, "[The amendment] imposes a broad disability upon [homosexuals] alone, forbidding them, but no others, to seek specific legal protection from injuries caused by discrimination in a wide range of public and private transactions." Justices Stevens, O'Connor, Souter, Ginsburg, and Breyer joined in the majority opinion.

Dissenting were Justices Scalia and Thomas and Chief Justice Rehnquist. In an unusually sharp dissent, Scalia claimed that Amendment 2 "does not...disfavor homosexuals in any substantive sense, but merely denies them preferential treatment." He called the decision "an act, not of judicial judgment, but of political will" and he chastised the majority for "plac[ing] the prestige of this institution behind the proposition that opposition to homosexuality is as reprehensible as racial or religious bias." He also argued that the decision reverses the 1986 ruling in *Bowers v. Hardwick*, the last Supreme Court case involving gay and lesbian rights. That decision upheld Georgia's anti-sodomy law, ruling that there is no constitutional right to private, consensual, same-sex sexual activity.

Also in Colorado, on March 25 Governor Roy Romer vetoed HB 1291, a bill to ban recognition of same-sex marriages, calling it "mean-spirited and unnecessary." He did, however, indicate that he would sign legislation stating that "It is the strong public policy of Colorado that marriage shall only be between a man and a woman" and establishing a commission to review the legal issues involved. He is so far the only governor to veto an anti-gay marriage bill.

Boulder

Colorado's first domestic partner registry, open to unmarried men and women, including gay men and lesbians, who would like recognition of their mutual commitment, took effect July 1. Boulder's City Council unanimously approved the registry on May 7. Registrants pay a fee of $35, and bring a photo ID to the city clerk's office. Partners must also sign an affidavit swearing that they are age 18 or older, share a home, are unmarried, not related by kinship and are "in a relationship of mutual support, caring and commitment and intend to remain in such a relationship."

∇ Legal contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (202) 995-8585; Attn. Suzanne Goldberg.

FLORIDA

Broward County

In June of 1995, the Broward County Commission approved, by a 6-1 vote, an amendment to the county's human rights ordinance providing anti-discrimination protections in employment, housing and public accommodations based on sexual orientation. In response, Religious Right leader Ralf Stores of the American Family Association (AFA) launched a petition drive to force a referendum to repeal the measure. The political action committee called "Take Back Broward" is reminiscent of AFA leader David Caton's "Take Back Tampa" campaign in 1992. Take Back Broward must collect 46,310 signatures to put the measure to a referendum in November 1996; there were not enough signatures gathered to qualify it for the March 1996 ballot. A public education and "Decline to Sign" campaign, an attempt to counteract the signature-gathering activities of Take Back Broward, was launched in September by Americans For Equality, which supports the gay-rights amendment.

On February 28, the Broward County Commission voted in a new law, which took effect March 11, that requires that signatures be collected within 180 days in order to place a measure on the local ballot. Previously, signatures had to be gathered by 90 days before the ballot, but those gathered do not expire, so collection could theoretically go on indefinitely. Under the new ordinance, Take Back Broward can apply the signatures collected before March 11 toward the 46,310 required, but those collected after March 11 are only valid for 180 days. August 5 is the deadline for the November ballot. If this attempt should fail, Take Back Broward's final deadline will be September 13 (180 days after March 11) in order to qualify for a special election in December or January. As of the week of June 24, the AFA claimed to have gathered just under 50% of the required signatures.

∇ Local contact: Americans For Equality PAC, PO Box 4984, Fort Lauderdale, FL 33338; (407) 687-2966; Attn. Richard Georgiou.

HAWAII

On April 26, the Hawaii Senate defeated a bill that would have put on the ballot a constitutional amendment banning same-sex marriages. The bill, backed by Religious Right activists, had passed the House and was stalled in the Senate Judiciary Committee. Conservative senators forced a floor vote; the bill was defeated 15-10. The Senate, like the House, is opposed to same-sex marriage, but the Senate is in favor of creating domestic partnerships.

A 1993 Hawaii Supreme Court ruling said that the state had to show a compelling interest in denying marriage licenses to gay couples, which the court called unconstitutional discrimination on the basis of sex. The case was sent back to a trial court to give the state a chance to make its case. The trial is scheduled for this summer; whatever the outcome, the case is expected to return to the state Supreme Court for a final ruling. To support the state's case, the legislature passed a law in 1994 defining marriage as solely between a man and a woman; it also appointed a commission to study the issue of same-sex marriage. The commission issued a report last December, recommending by a 5-2 vote that same-sex marriage be legalized. Thus, experts predict that the state will not be able to argue a compelling interest in denying such marriages.

∇ Contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (212) 995-8585; Attn. Evan Wolfson.

IDAHO

On July 1, The Idaho Citizens' Alliance (ICA) withdrew its campaign for a statewide anti-gay ballot initiative, called "The Family and Child Protection Act," which would have been on the November 1996 ballot. Kelly Walton of the ICA claimed to have given up the initiative effort in response to Attorney General Alan Lance's opinion stating that the ICA's initiative was unconstitutional in light of *Romer v. Evans*. The Decline to Sign Campaign argued that the ICA withdrew only because the initiative lacked public support. The initiative was similar to the ICA's Proposition 1, which was narrowly defeated at the polls in November 1994. If it had passed, it would have prohibited state or local laws protecting gays and lesbians from discrimination. While Proposition 1 would have denied minors access to public library material concerning homosexuality, "The Family and Child Protection Act" would have required minors to have parental consent or supervision to gain access. The ICA also abandoned its efforts to collect signatures for anti-abortion, pro-voucher, and anti-teachers' union initiatives in early June.

On March 13, the Idaho Senate voted 28-4 to pass an anti-gay marriage bill. It had been approved by the House on February 20, by a 59-6 vote. The bill amends an existing statute that says Idaho will recognize legal contracts, including marriages, that are legal in other states. Out-of-state marriages that violate Idaho's laws will not be recognized as valid in Idaho.

Nampa

Citizens for a Better Nampa launched a recall campaign against Nampa City Councilman Tom Dale, who stated that he would recognize homosexual couples as families in the city's Fair Housing Plan. The initial recall petition requires only twenty signatures. Once the city clerk approves the petition, Phil Summa, spokesman for Citizens for a Better Nampa, will have to collect 3,000 signatures to mandate a recall election.

∇ State contact: Decline to Sign,, PO Box 797, Boise, ID 83701; (208)343-7402, Voice Mailbox #1; Attn. Diane Sands.

ILLINOIS

Normal/Bloomington

On May 6, the Normal City Council voted 5-2 against adding sexual orientation as a protected category to its nondiscrimination ordinance. Opponents of the measure argued that there was not sufficient cause to amend the ordinance, since there have been few complaints of discrimination against gays. Supporters maintain that gays do not report discrimination against them precisely because there is no law protecting them.

In January, the Bloomington City Council voted down a similar ordinance after it was vigorously opposed by the Illinois Christian Coalition and local conservative churches. Mayor Smart was against the

proposal, saying, "Fundamentalist Christians ought not to be required to hire a gay janitor or a lesbian secretary if they don't want to," and the recommendation of City Corporation Counsel J. Todd Greenburg was against passing the ordinance because it might force people to go against their religious beliefs. Rick Garcia of the Illinois Federation for Human Rights argued that religious organizations are exempt from current human rights ordinances regarding hiring practices.

∇ Local contact: Advocacy Council for Human Rights, PO Box 5048, Bloomington, IL, 61702-5048; (309) 830-2521; Attn. David Bentlin.

MICHIGAN

Lansing

After the Lansing City Council passed an ordinance in March to prohibit discrimination based on sexual orientation, a group called the Majority Opposing Special Treatment (MOST) collected approximately 7,000 signatures in order to put the measure to a referendum. A gay-rights group, Lansing Equal Rights Task Force, assisted by Lambda Legal Defense and Education Fund, filed a lawsuit in Ingham County Circuit Court charging that the petitions violated the city charter because they did not state the ordinance in full and were accompanied by misinformation about it, and that the Lansing City Clerk acted illegally when she certified the repeal measure for the referendum. On May 20th, the judge ruled in favor of the plaintiffs, declaring the petitions invalid and giving MOST 30 days to collect new signatures. Approximately 4500 signatures are required to put the ordinance to a referendum. MOST immediately appealed this decision, believing its initial petition valid. Lansing Equal Rights Task Force, assisted by Lambda Legal Defense and Education Fund, then filed a counter appeal on the grounds that Michigan law allows for only 10 days (and not 30) for citizens to gather new signatures once a petition is declared invalid. The case is now pending in the Michigan Court of Appeals. In the meantime, however, MOST may have gathered the 4500 signatures for their referendum.

The ordinance bans discrimination in housing, employment, and public accommodations on the basis of sexual orientation, height, weight, and family status, adding those categories to the ones already protected in the city, which include age, race, color, gender, national origin, and religion. Public debate about the ordinance had raged in Lansing for 18 months before the city council's decision.

∇ Legal contact: Lambda Legal Defense and Education Fund, 17 E. Monroe Street, Ste. 212, Chicago, IL, 60603; (312) 759-8110; Attn. Patricia Logue.

NEW JERSEY

State Assemblywoman, Marion Crecco, introduced a bill that would add: "Persons of the same sex shall not marry," to existing state marriage law. The bill would also invalidate same sex marriages performed in another state, and provides that same sex marriage is in violation of New Jersey public policy. The ACLU and gay activists say that the bill is unnecessary because NJ law is already clear in not recognizing same sex unions.

NEW YORK

State Senator Maltese (R) introduced SB 7345, which would amend domestic relations law to state that "a marriage is absolutely void if contracted by two persons of the same sex, regardless of whether such a marriage is recognized or solemnized in another jurisdiction. The bill has been referred to the Judiciary Committee, but is unlikely to pass this session because the later-than-ever budget still needs to be worked out. Mayor Rudolph Giuliani said, "I believe marriage should stay as it is" at a City Hall ceremony to honor gay and lesbian city employees on June 17. But, Giuliani claims that he supports the city policy permitting unmarried couples to register their unions with the city clerk, which would qualify domestic partners for survivorship rights and, in the case of city employees, health coverage.

NORTH CAROLINA

On June 19, the North Carolina House of Representatives passed SB 1302. The bill, introduced by Senator James Forrester (R), states that "marriages contracted outside of North Carolina between persons of the same gender are not valid in Iredell County," but was amended to add eleven other counties. Passed without hearing in the Senate or House, the bill becomes a law automatically because the Governor does not have legal authority to veto bills in North Carolina.

OHIO

Cincinnati

On June 7, the Supreme Court ruled that the U.S. Court of Appeals for the 6th Circuit must reconsider its ruling in *Equality Foundation v. Cincinnati* to uphold Issue 3, a Cincinnati anti-gay measure. Last month's *Romer v. Evans* decision to strike down a similar Colorado measure was the basis for the Supreme Court's decision to return the case to the Court of Appeals. The Cincinnati measure, approved by 62 percent of the voters in a 1993 referendum, repealed any existing laws that prohibited discrimination based on sexual orientation, and amended the city charter to bar new legislation that would give "protected status" to "homosexuals, lesbians or bisexuals." The majority did not comment on the reasoning for its order. In dissent were the same justices who were opposed to the Colorado decision: Chief Justice William Rehnquist, and Justices Antonin Scalia and Clarence Thomas. Although the Court sent the case back to the 6th Circuit and did not reverse the 6th Circuit ruling as the gay-rights advocates and attorneys had asked, Scott Greenwood of the local ACLU commented, "What happened today kills Issue 3. It has yet to be buried, but it is certainly dead."

In May of 1995, the U.S. Court of Appeals had overturned a district court ruling to reinstate Issue 3 which also amended the city charter to prevent the future passage of any measures that would grant "minority or protected status" to gay men and lesbians. The ruling marked the first time a federal court had permitted the overturning of an existing anti-discrimination measure. The Cincinnati City Council and the anti-gay group, Equal Rights Not Special Rights (ERNSR) defended Issue 3 with the assistance of former Attorney General Edwin Meese and former Supreme Court nominee Robert Bork; Bork serves as co-counsel for ERNSR. Civil rights advocates led by Lambda Legal Defense and Education Fund argued against Issue 3.

∇ Legal contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (212) 995-8585; Attn. Suzanne Goldberg.

OREGON

In light of the Romer v. Evans decision, The Oregon Citizens Alliance (OCA) gave up its most recent effort to pass a statewide anti-gay ballot initiative on June 6. But, the battle is not over. OCA Chair (and now U.S. Senate candidate) Lon Mabon has already begun drafting language for a 1998 ballot initiative that would legally define families to exclude gays and lesbians. Mabon hopes that this language will avoid the constitutional problem that defeated Amendment 2 and may have defeated the Oregon initiative because it would not actually mention gays or lesbians. The group would have had to collect 97,681 signatures by July 1996 in order to qualify the measure for the November 1996 ballot. OCA-sponsored initiatives were narrowly rejected by voters in 1992 and 1994. The measure would have amended the state constitution to prohibit the granting of minority status on the basis of "sexual behavior or desires," prohibit spending of public funds "in a manner that has [the] purpose or effect of expressing approval of homosexuality," and restrict minors' access to public library materials "which promote or express approval of homosexuality." The measure also asserts that moral opposition to "certain sexual behaviors such as homosexuality" constitutes a "Right of Conscience" and therefore is not to be considered "discrimination."

In 1995, the Oregon Court of Appeals upheld a state law passed in 1993 that prohibits localities from enacting city and county ordinances dealing with sexual orientation. The decision reaffirmed a Marion County Judge's ruling last year. Through the OCA's efforts, 26 localities throughout the state have passed anti-gay measures.

∇ State contact: Basic Rights Oregon, PO Box 40625, Portland, OR 97240; (503) 222-6151; Attn. Julie Davis, Executive Director.

PENNSYLVANIA

Philadelphia

Mayor Rendell signed an order on June 7 that would grant health and funeral benefits to same sex partners of covered city employees, provided that they furnish substantial evidence of a committed relationship, such as common ownership of a house or car or a joint bank account. This would affect about 500 non-union, non-civil service employees of the executive branch who will join roughly 3,000 city workers in getting "domestic partnership" benefits.

On June 13, Philadelphia City Council President, John Street, introduced legislation that would place a non-binding referendum on the November ballot. The referendum would question whether the Mayor should rescind his recent Executive Order granting domestic partnership benefits to lesbian and gay couples. Street referred the bill to the Rules Committee (which he chairs) and scheduled a hearing. He will also schedule a special session of the City Council so that the bill will be voted on before summer recess.

The primary supporter of this bill is Catholic Cardinal Bevilacqua, who distributed several hundred thousand postcards, printed by the Christian Coalition, in all Catholic parishes in Philadelphia, and asked that a letter be read to all Catholic Congregations. He is also attempting to have postcards signed by students in Catholic schools in Philadelphia and its suburbs.

However, not all the local clergy agreed with Cardinal Bevilacqua. Over 55 Christian and Jewish clergy members praised Mayor Rendell's order, and the 14 members of the Interfaith Working Group even organized a news conference on the topic to show their support of benefits for partners of gay men and lesbians.

TENNESSEE

On June 10, the Tennessee Supreme Court let stand a decision by the state Court of Appeals that sexual acts between consenting adults of the same gender are protected under privacy rights guarantied by the state Constitution. In January, a three-judge panel of the appeals court affirmed Davidson County Circuit Judge Walter Kurtz's February 1995 ruling that made the state's Homosexual Practices Act invalid. A spokeswoman for Tennessee Attorney General Charles W. Burson, who defended the law, said the high court's decision will not be appealed. Gay rights Attorney Abby Rubenfeld commented, "There are many thousands of lesbians and gay men in this state...what this decision does is lift part of the yoke of oppression on us. It takes off the label that we are criminals in the eyes of the law." Janice Hohnson of the Christian Coalition criticized the law and said that Burson did not defend the law vigorously enough. Hohnson stated, "This is a classic case of liberal judges and liberal state supreme courts overruling the voices of the people and legislating from the bench." Among the plaintiffs were a young woman who feared she could be evicted from her apartment because her lease would terminate if she were to be convicted of a crime and a pilot who feared losing his license to fly because of a criminal conviction.

UTAH

During a special legislative session on April 17, Utah legislators passed SB 1003, a bill that effectively bans gay student organizations. The law requires school boards to ban student organizations that "encourage criminal or delinquent conduct, promote bigotry or involve human sexuality"; it also prohibits teachers from supporting "criminal conduct." Homosexual and heterosexual sodomy are illegal in Utah. The new law also allows school boards to require parental permission for students to join clubs.

The legislation was in response to a request by a group of Salt Lake City students at East High School for permission to form a Gay/Straight Student Alliance. After receiving the students' request last fall, Salt Lake Superintendent Darline Robles asked State Superintendent Scott W. Bean to review the issue. He turned to the Utah Attorney General's office, which issued a statement that "high school clubs must be treated equally regardless of their controversial or conventional status or lose federal funds," according to the federal 1984 Equal Access Act. A U.S. Supreme Court decision in 1990 also stated that if a school allows some non-curricular clubs, it has to allow others. Ironically, both the federal law and the court case were the results of efforts to protect Christian and other religious clubs.

When the story of the Gay/Straight Alliance made the papers on December 22, the Utah Eagle Forum led an assault against the club. Many members of the community then turned out at a rally on

January 5 to support the club and formed the Citizens' Alliance for Hate Free Schools. On January 11, the school board passed a resolution expressing "concern over the formation of any organizations in school that may create a disruptive or unsafe atmosphere for children or that may attract or entice children to make decisions that could have a long-term negative impact on their lives."

On January 30, a group of Utah senators held a closed caucus to discuss possible strategies, including the elimination of *all* extracurricular clubs in the state's public schools. "It's Draconian, " said Senate Minority Leader Scott Howell, a Democrat who was present at the meeting. "We'd shut down the rodeo club, the debate club, the ski club. Everything." Some conservative senators reportedly used the meeting, at which several state education officials were present, as an opportunity to accuse teachers of advocating homosexuality among students. An excerpt from the anti-gay video "Gay Rights, Special Rights" was shown. Gay and Lesbian Utah Democrats (GLUD) has expressed its outrage at the "outrageous gay baiting" by the senators and claimed that the lawmakers violated the state Open Meetings Act. On February 6, the Utah Human Rights Coalition and the Citizens' Alliance for Hate Free Schools held a rally to protest the secret meeting.

On February 20, the Salt Lake City Board of Education voted 4-3 to ban all noncurricular clubs, including young men's and women's associations, ethnic and religious clubs, volunteer groups, honor societies, environmental and human rights organizations, and sports and games clubs. More than a hundred speakers addressed the board during a public hearing, most in favor of allowing the clubs. "I think they're punishing all of the Salt Lake City School District because they're afraid of one club," said one student about the board's decision. Another student seemed to blame the Gay/Straight Alliance members. "Everyone suffers because of the gays," he said. On February 23, hundreds of students walked out of two Salt Lake City public high schools to protest the board's decision. On March 2, over 2,000 students, parents, and activists marched and rallied at the state capitol to register their protest as well.

In March, Utah Governor Mike Leavitt vetoed SB 246, which would have prohibited teachers from encouraging or condoning illegal acts; he then put the bill on the agenda of a special legislative session to fix its language. The bill that finally passed, SB 1003 which effectively bans gay student organizations, was drafted in meetings with attorneys, presented to some legislators only hours before the vote, and pushed through after hours of debate. Attempts to delay a final vote in order to allow for public scrutiny of the bill failed.

∇ State contact: Utah Human Rights Coalition, PO Box 521242, Salt Lake City, UT, 84152-1242; (801) 484-5291; Attn. Charlene Orchard, Co-Chair; e-mail: cdorchard@earthlink.net

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The information in this report was obtained from national and grassroots organizations, activists, and media, including the following:

∇ *Gay and Lesbian Alliance Against Defamation (GLAAD), 150 W. 26th Street, Suite 503, New York, NY, 10001; (212) 807-1700; glaad@glaad.org*

- *Gay and Lesbian Alliance Against Defamation/San Francisco Bay Area (GLAAD/SFBA), 1360 Mission Street, Suite 200, San Francisco, CA, 94103; (415) 861-4588; glaadsfba@aol.com*

- *Gay, Lesbian, and Straight Teachers Network (GLSTN), 122 W. 26th Street, Suite 1100, New York, NY, 10001; (212) 727-0135; GLSTN@glstn.org*

- *Human Rights Campaign (HRC), 1101 14th Street, NW, #200, Washington, DC 20005; (202) 628-4160; hrc@hrcusa.org*

- *Lambda Legal Defense and Education Fund, Inc., 666 Broadway, New York, NY 10012-2317;(212) 995-8585*

- *National Advocacy Coalition on Youth and Sexual Orientation (NACYSO), 1711 Connecticut Avenue, NW, Suite 206, Washington, DC, 20009; (202) 319-7596; NACYSO@aol.com*

- *National Gay and Lesbian Task Force (NGLTF), 2320 17th Street, NW, Washington, DC 20009-2702; (202) 332-6483; ngltf@ngltf.org*

- *Parents, Families and Friends of Lesbians and Gays (P-FLAG), 1012 14th Street, NW, # 700, Washington, DC 20005; (202) 638-4200; PFLAGNTL@aol.com*

- *PERSON Project (Public Education Regarding Sexual Orientation Nationally)/Jessea Greenman, 586 62nd Street, Oakland, CA 94609-1245; (510) 601-8883; jessea@uclink4.berkeley.edu*